

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

Franklin Grimes	)	
<i>For himself and on behalf of all</i>	)	
<i>similarly situated individuals,</i>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:08-cv-492 (HEH)
	)	
Advanced Call Center Technology, LLC,	)	
	)	
Defendant.	)	

**DEFENDANT ADVANCED CALL CENTER  
TECHNOLOGIES, LLC'S MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 7(b) and Local Rule 7 of the United States District Court for the Eastern District of Virginia, Defendant Advanced Call Center Technologies, LLC ("ACT"), by counsel, respectfully moves this Court to dismiss Counts Three and Four of Plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), on the ground that there exists no private right of action for alleged violations of 15 U.S.C. § 1681m, the statutory provision upon which Counts Three and Four are based. In support of this motion, ACT relies on the accompanying memorandum.

Respectfully submitted,

ADVANCED CALL CENTER TECHNOLOGIES,  
LLC

By: /s/\_\_\_\_\_

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**Certificate of Service**

I certify that on January 23, 2009, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing (NEF) to the following:

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